

Remarks

This Response is provided in response to a final Office Action mailed February 17, 2005, in which claims 1-2, 4-6, 8-18, 20-22, and 24-34 were rejected under 35 U.S.C. §102(e) as being anticipated by prior art, and further rejected claims 3, 7, 19, and 23 under 35 U.S.C. §103(a) as being unpatentable over prior art.

A telephone interview was conducted on March 22, 2005 between Examiner Vu and Applicant's attorney Daniel Dooley. The Applicant would like to thank the Examiner for taking time to conduct a telephone interview to discuss the proposed amendments to claims 1, 15, 16, 17, 31, 32, 33, and 34 as sent by facsimile on March 18, 2005. Examiner Vu concurred that the proposed amendments to claims 15, 31, 32, and 34 were acceptable, however, Examiner Vu argued that further clarification was needed for claims 1, 16, 17, and 33. In response to the telephone interview held on March 22, 2005, the Applicant has provided all agreed upon amendments to claims 1, 15, 16, 17, 31, 32, 33, and 34 and has cancelled claims 12 and 28. The hereinabove amendments to claims 1, 15, 16, 17, 31, 32, 33, and 34 have been made to place the claims in condition for allowance.

The amendments to claims 1, 15-17, and 31-34 are believed to be proper; do not introduce new matter; have been made to more particularly point out and distinctly claim the subject matter the Applicant regards as his invention; and are believed to place the application in condition for allowance.

Claim Amendments

The Applicant has provided amendments to claims 1, 15-17, and 31-34 in response to the telephone interview with Examiner Vu on March 22, 2005. The amendments do not narrow the scope of claims 1, 15-17, and 31-34, nor introduce new matter into claims 1, 15-17, and 31-34.

Rejection of Claims Under 35 U.S.C. §102(e)

The Office Action rejected claims 1-2, 4-6, 8-18, 20-22, and 24-34 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 5,325,362 issued to Ashar Aziz, June 28, 1994 (Aziz '362). Because Aziz '362 fails to identically show the claim

limitations of: “establishing a first tunnel between a first client and to but not through a backbone;” and “establishing a second tunnel between a second client and to but not through the backbone,” of claims 1, 15-17, and 31-34; the additional limitation of “packets transferred between said first and second clients utilize a common path defined by the first tunnel, the backbone, and the second tunnel,” of claims 1, 16, 17, and 33; and “a symmetric path for forward and return traffic,” of claims 15, 31, 32, and 34, Aziz '362 fails to provide a basis for an anticipation rejection under 35 U.S.C. § 102(e) of independent claims 1, 15-17, and 31-34.

Accordingly, the Applicant requests withdrawal of the rejection of claims 1-2, 4-6, 8-11, 13-18, 20-22, 24-27, and 29-34 under 35 U.S.C. §102(e), and passage of same to allowance.

Rejection of Claims Under 35 U.S.C. §103(a)

The Office Action further rejected claims 3, 7, 19, and 23 under 35 U.S.C. §103(a) as being unpatentable over Aziz '362 in view of United States Patent No. 6,442,588 issued to Neal Henry Clark et al., August 27, 2002 (Clark '588). This rejection is respectfully traversed.

Because claims 3, 7, 19, and 23 depending from either allowable independent claims 1 or 17, and provide further limitations to their respective independent claims, depending claims 3, 7, 19, and 23 stand as patentable claims. Further, because Aziz '362 fails to identically show each element of claim 1, or each element of claim 17, and Clark '588 fails to cure the deficiencies of Aziz '362, Aziz '362 alone or in combination with Clark '588 fails to provide a basis for sustaining a rejection of claims 3, 7, 19, and 23 under 35 U.S.C. §103(a).

Accordingly, the Applicant requests withdrawal of the rejection of claims 3, 7, 19, and 23 under 35 U.S.C. §103(a), and passage of same to allowance.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the final Office Action mailed February 17, 2005.

Should any questions arise concerning this response, the Examiner is invited to contact the below listed Attorneys.

Respectfully submitted,

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